

IN RE: PETITION FOR VARIANCE  
W/S Hamilton Avenue, 100' S of the c/l  
of Price Lane  
(5803 Hamilton Avenue)  
14<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District

Curtis M. Johnson, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-457-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Curtis M. and Betty G. Johnson. The Petitioners seek relief from Sections 1B02.3.C.1 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum required 55 feet and to approve the subject property as an undersized lot, and any other variances deemed necessary. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the request were Curtis and Betty Johnson, owners of the subject property, and Vincent J. Moskunus with M & H Development Engineers, Inc., who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is located on the west side of Hamilton Avenue, just south of its intersection with Price Lane in Rosedale. The Petitioners own the subject property and two adjacent lots, one of which is improved with a two-story dwelling, known as 5801 Hamilton Avenue, which was formerly occupied by Mr. & Mrs. Johnson. The Petitioners testified that they resided at 5801 Hamilton Avenue for some time; however, recently sold the property and have moved from same. The third lot is located to the rear of the two aforementioned lots and fronts on Price Lane.

ORDER RECEIVED FOR FILING

Date

By

The lot which is the subject of this request is located adjacent to 5801 Hamilton Avenue, and consists of a gross area of 7,600 sq.ft., zoned D.R.5.5. This lot, known as 5803 Hamilton Avenue, is rectangular in shape and approximately 50 feet wide by 160 feet deep. The Petitioners are under contract to sell this property to another individual who intends to develop the lot with a single family dwelling. The proposed dwelling will be 28 feet wide by 42 feet deep as more particularly shown on the site plan submitted into evidence as Petitioner's Exhibit 1. Variance relief is necessary in that the subject lot is only 50 feet wide, 5 feet less than the 55-foot width required.

As noted above, the Petitioners own a third parcel which is located to the rear of the two lots which front on Hamilton Avenue. This lot is approximately 70 feet wide by 180 feet deep and fronts on Price Lane. Apparently, the Petitioners intend to sell this property along with the property known as 5803 Hamilton Avenue, under a single transaction. Thereafter, that owner will construct the proposed dwelling at 5803 Hamilton Avenue.

Variance relief is appropriate from Section 1B01.3.C.1 of the B.C.Z.R. That Section requires a lot width of 55 feet in the D.R.5.5 zone. Testimony and evidence presented revealed that many houses in this community are on 50-foot wide lots. Apparently, this is an older subdivision which was recorded in the 1940s.

There were no Protestants present and no adverse Zoning Plans Advisory Committee (ZAC) comments. The ZAC comment received from the Office of Planning indicated that building elevation drawings for the proposed dwelling had been submitted for review by that agency. Apparently those plans have been reviewed and approved as being consistent with the neighborhood.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. In my judgment, construction of a single family dwelling on the property known as 5803 Hamilton Avenue is appropriate with existing conditions in the neighborhood. Moreover, I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. in order to obtain variance relief.

As to the relief requested for approval of the subject property as an undersized lot, Section 304 of the B.C.Z.R. allows the owner of an undersized lot to construct a single family dwelling thereon, in certain circumstances. However, as has been held in other decisions of this office, the requirements of that Section, in my judgment, cannot be varianced. Moreover, the future owner of 5803 Hamilton Avenue will also acquire the third parcel to the rear of the subject lot. Thus, additional land will be available to meet area requirements. However, in order to permit development of 5803 Hamilton Avenue with a single family dwelling, the relief requested is necessary. Thus, I will grant the variances from lot width and area requirements, subject to the following condition. In the event the future owner of 5803 Hamilton Avenue seeks to develop the third parcel to the rear of that property with a single family dwelling, the owner of that property shall file a new Petition for Special Hearing to determine the appropriateness of same.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August, 1999 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum required 55 feet and to approve the subject property as an undersized lot, for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

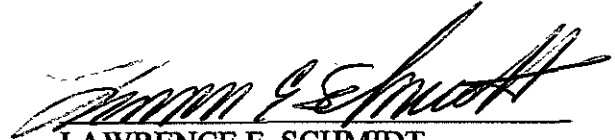
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within ninety (90) days of the date of this Order, a new deed for the property known as 5803 Hamilton Avenue shall be recorded among the Land Records of Baltimore County referencing this case and incorporating the terms and conditions of this Order.
- 3) The proposed dwelling at 5803 Hamilton Avenue shall be constructed in accordance with the building elevation drawings approved by the Office of Planning.

ORDER RECEIVED FOR FILING

Date

By

- 4) Should the future owner of 5803 Hamilton Avenue wish to develop the parcel located to the rear of this property and 5801 Hamilton Avenue, then a new Petition for Special Hearing must be filed to determine the appropriateness of such development.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 8/2/99

By [Signature]



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

August 2, 1999

Mr. & Mrs. Curtis M. Johnson  
12810 Dulaney Valley Road  
Glen Arm, Maryland 21057

RE: PETITION FOR VARIANCE  
W/S Hamilton Avenue, 100' S of the c/l of Price Lane  
(5803 Hamilton Avenue)  
14th Election District - 7th Councilmanic District  
Curtis M. Johnson, et ux - Petitioners  
Case No. 99-457-A

Dear Mr. & Mrs. Johnson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Vincent J. Moskunus, M & H Development Engineers, Inc.  
200 E. Joppa Road, Room 101, Towson, Md. 21286

Mr. Jeffrey Long, OP; People's Counsel; Case File





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5803 Hamilton Avenue

which is presently zoned P.R.S.S

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 & 304.2 BC2R

To approve a lot width of 50' in view of the required 55'. And to approve an undersized lot per section 304. And to approve any other variances deemed necessary by the zoning commissioner.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

1. It is an established lot with the width of 50', there is no adjoining property to accommodate a 55' width.
2. It is described in deed (8037-353) as the third parcel, it is a separate entity.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

## Representative to be Contacted:

M&H Development Eng, Inc.  
Vincent J. Moskunas

Name

200 E. Joppa Road Rm 101 410 828-9860

Address

Telephone No.

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRF

Date 5-17-99

Case No. 99-457A

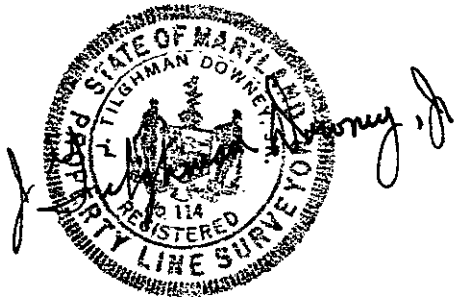
Date May 9/15/98  
By

ORDER RECEIVED FOR FILING

**M & H Development Engineers, Inc.**  
**200 E. Joppa Road**  
**Room 101, Shell Building**  
**Towson, MD 21286**  
**Phone (410)828-9060**

**ZONING DESCRIPTION FOR #5803 HAMILTON AVENUE**

*Beginning at a point on the west side of Hamilton Avenue which is 40' wide at the distance of 100' south of the centerline of Price Lane which is 40' wide. As recorded in Deed Liber 8037, Folio 353, containing 7800 square feet and running thence North 84 degrees 47 minutes West, 158.72 feet; thence South 5 degrees 13 minutes West, 50.00 feet; thence South 84 degrees 47 minutes East, 154.11 feet and thence North 10 degrees 29 minutes East, 50.21 feet to the place of beginning. Also known as #5803 Hamilton Avenue and located in the 14th. Election District, 7th. Councilmanic District.*



*J. Tilghman Downey, Jr.*  
*Reg. No. 114*

457

99.457-A

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 067393

DATE 5-17-99 ACCOUNT Rec'd - CISO

AMOUNT \$ 50.00

RECEIVED FROM: M & H Dev. Engr'g.  
5803 Hamilton Ave  
FOR: Q1. Variance  
Item # 457  
Taken by JDE

DISTRIBUTION  
WHITE - CASHIER  
PINK - AGENCY  
YELLOW - CUSTOMER

99.457-A

CASHIER'S VALIDATION

PAID RECEIPT  
THE  
OFFICE OF BUDGET & FINANCE  
5/17/1999 10:19:26  
CASHIER LGMT LXS DRAWER  
5 528 ZORING VERIFICATION  
Receipt # 093669  
C.R. No. 067393  
Receipt Tot 50.00  
50.00 OK  
Baltimore County, Maryland



**NOTICE OF ZONING  
HEARINGS**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-457-A  
5803 Hamilton Avenue  
W/S Hamilton Avenue, 100' S  
of centerline Prince Lane  
14th Election District  
7th Councilmanic District  
Legal Owner(s): Betty G. &  
Curtis M. Johnson

Variance: to approve a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

Hearing: Tuesday, July 6,  
1999 at 11:00 a.m. in Room  
407, County Courts Bldg.,  
401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible for  
special accommodations  
Please Contact the Zoning  
Commissioner's Office at  
(410) 887-4386.

(2) For information concern-  
ing the file and/or Hearing,  
Contact the Zoning Review Of-  
fice at (410) 887-3391.

6/264 June 17 C319760

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/17/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/17/, 1999.

**THE JEFFERSONIAN,**

*S. Wilkinson*

LEGAL ADVERTISING  


CERTIFICATE OF POSTING

RE: CASE # 99-457-A  
PETITIONER/DEVELOPER:  
(Curtis Johnson)  
DATE OF Hearing  
(July 6, 1999)

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Ave.  
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property located at  
5803 Hamilton Ave. Baltimore , Maryland 21237\_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ 6-18-99 \_\_\_\_\_  
[Month, Day, Year]

Sincerely,

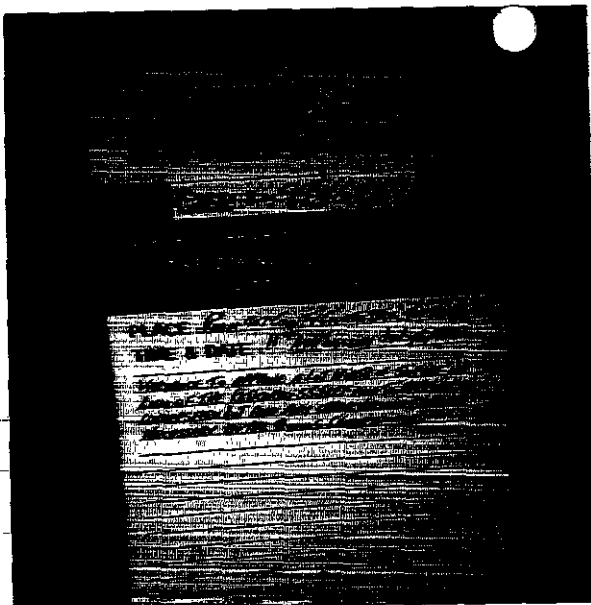
  
[Signature of Sign Poster & Date]

\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_

\_\_\_\_ 325 Nicholson Road \_\_\_\_\_

\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_

\_\_\_\_ (410)-687-8405 \_\_\_\_\_  
(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 99-457-A

Petitioner: Curtis Johnson

Address or Location: 5803 Hamilton Ave

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Carpentry Unlimited

Address: 200 E. Joppa Road Rm101  
Towson, MD 21286

Telephone Number: (410) 828-9060



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

June 9, 1999

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-457-A  
5803 Hamilton Avenue  
W/S Hamilton Avenue, 100' S of centerline Prince Lane  
14<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owner: Betty G. & Curtis M. Johnson

Variance to approve a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

HEARING: Tuesday, July 6, 1999 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

c: Betty & Curtis Johnson  
M&H Development Eng., Inc.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 21, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY  
June 17, 1999 Issue – Jeffersonian

Please forward billing to:

Carpentry Unlimited  
200 E. Joppa Road  
Room 101  
Towson, MD 21286

410-828-9060

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## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-457-A

5803 Hamilton Avenue

W/S Hamilton Avenue, 100' S of centerline Prince Lane

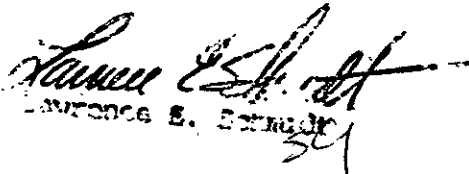
14<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Betty G. & Curtis M. Johnson

Variance to approve a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot and any other variances deemed necessary by the zoning commissioner.

HEARING: Tuesday, July 6, 1999 at 11:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue

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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

July 2, 1999

Mr. Vincent Moskunas  
M & H Development Eng. Inc.  
200 E. Joppa Road, Room 101  
Baltimore, MD 21286

Dear Mr. Moskunas:

RE: Case No.: 99-457-A, Petitioner: Mr. Johnson,  
Location: 5803 Hamilton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 17, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





**Baltimore County  
Fire Department**

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

June 16, 1999

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 7, 1999

Item No.: See Below                      Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

456, 457, 458, 459, 460, 461, 462, 464, 465, 466, 467,  
468, 469, 470, 471, 472, 474, 475, 476, 477, 478, 479,  
480, 483, 484, AND 485

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F  
cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)

RECEIVED JUN 21 1999



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: June 16, 1999

FROM: Robert W. Bowling, Supervisor  
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting  
for June 14, 1999  
Item No. 457

The Bureau of Development Plans Review has reviewed the subject zoning item. This site is subject to the Development Regulations of the County, minor subdivision - division of property into two (2) or more lots.

RWB:HJO:jrb

cc: File

*Bob Bowling  
called &  
w/drew this  
comment. ~~12~~  
Send OK,  
no sub'division  
JB 7/7/99*

RECEIVED JUN 21 1999

ZAC06149.457



hs  
7/6

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits  
and Development Management

**Date:** June 7, 1999

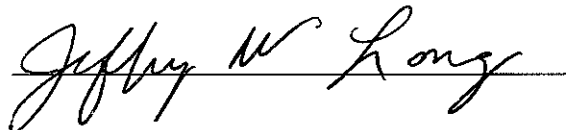
**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):  
Item No(s): 457, 458, 464, and 467

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor  
John D. Porcari  
Secretary  
Parker F. Williams  
Administrator

Date: 6.4.99

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 457

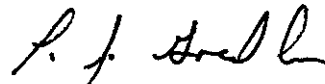
JRF

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

  
for Michael M. Lenhart, Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE  
5803 Hamilton Avenue, W/S Hamilton Ave,  
100' S of c/l Prince Lane  
14th Election District, 7th Councilmanic

Legal Owner: Curtis M. & Betty G. Johnson  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 99-457-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of June, 1999 a copy of the foregoing Entry of Appearance was mailed to Vincent J. Moskunas, M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

**INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM**

**TO:** Director, Office of Planning & Community Conservation  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

**FROM:** Arnold Jablon, Director, Department of Permits & Development Management

**B** \_\_\_\_\_  
Permit Number

**RE: Undersized Lots**  
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

**MINIMUM APPLICANT SUPPLIED INFORMATION:**

☐ M&H Development Engineers, Inc. 200 E. Joppa Road Room 101 Towson, MD 21286 410 828-9000  
Print Name of Applicant Address Telephone Number

☐ Lot Address #5803 Hamilton Avenue Election District 14 Council District 7 Square Feet 7800

Lot Location: N E S W side / corner of Hamilton Avenue, 100 feet from N E S W corner of Price Lane  
(street) (street)

Land Owner Curtis & Betty Johnson Tax Account Number 1410047043

Address 5801 Hamilton Avenue Telephone Number 410 866-2230  
Balto. MD 21237

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation

	<b>PROVIDED?</b>		
	<b>YES</b>	<b>NO</b>	
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Residential Processing Fee Paid Codes 030 & 080 (\$85)
2. Permit Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accepted by <u>JRF</u> ZADM
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Date <u>5-17-99</u>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>99-457-A</u>
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Photographs (please label all photos clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!**

**RECOMMENDATIONS/COMMENTS:**

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

**99-457-A**

Signed by: \_\_\_\_\_  
for the Director, Office of Planning & Community Conservation

Date: \_\_\_\_\_

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted  
for filing by \_\_\_\_\_ on \_\_\_\_\_  
Date (A)

A sign indicating the proposed Building must be posted on the property for  
fifteen (15) days before a decision can be rendered. The cost of filing is  
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,  
a decision can be expected within approximately four weeks. However, if a valid  
demand is received by the closing date, then the decision shall only be rendered  
after the required public special hearing.

\*SUGGESTED POSTING DATE \_\_\_\_\_ D (15 Days Before C)

DATE POSTED \_\_\_\_\_

HEARING REQUESTED-YES \_\_\_\_\_ NO \_\_\_\_\_ -DATE \_\_\_\_\_

CLOSING DAY (LAST DAY FOR HEARING DEMAND) \_\_\_\_\_ C (B-3 Work Days)

TENTATIVE DECISION DATE \_\_\_\_\_ B (A + 30 Days)

\*Usually within 15 days of filing

-----  
CERTIFICATE OF POSTING

District \_\_\_\_\_

Location of property: \_\_\_\_\_

Posted by: \_\_\_\_\_ Date of Posting: \_\_\_\_\_

Signature

Number of Signs: \_\_\_\_\_

**INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM**

**TO:** Director, Office of Planning & Community Conservation  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

**FROM:** Arnold Jablon, Director, Department of Permits & Development Management

**B** \_\_\_\_\_  
Permit Number

**RE:** Undersized Lots

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

**MINIMUM APPLICANT SUPPLIED INFORMATION:**

☐ M&H Development Engineers, Inc. 200 E. Joppa Road Room 101 Towson, MD 21286 410 828-9066  
Print Name of Applicant Address Telephone Number

☐ Lot Address #5803 Hamilton Avenue Election District 14 Council District 7 Square Feet 7800

Lot Location: N E S (W) side / corner of Hamilton Avenue, 100 feet from N E S corner of Price Lane  
(street) (street)

Land Owner Curtis & Betty Johnson Tax Account Number 1410047043

Address 5801 Hamilton Avenue Telephone Number 410 866-2230  
Balto. MD 21237

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation  
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (available in Rm 206 C.O.B.) (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(please label site clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Residential Processing Fee Paid  
Codes 030 & 080 (\$25)

Accepted by JRF  
ZADM

Date 5-17-99

99-457-A

**TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!**

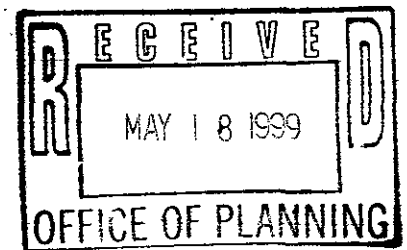
**RECOMMENDATIONS/COMMENTS:**

☐ Approval

☐ Disapproval

☒ Approval conditioned on required modifications of the permit to conform with the following recommendations:

*Every effort should be made to retain the existing tree in the front yard, if possible*



Signed by: Jeffrey W. Long  
for the Director, Office of Planning & Community Conservation

Date: 5/25/99

**99-457-A**

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING  
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2  
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

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DATE POSTED \_\_\_\_\_

HEARING REQUESTED-YES \_\_\_\_\_ NO \_\_\_\_\_ -DATE \_\_\_\_\_

CLOSING DAY (LAST DAY FOR HEARING DEMAND) \_\_\_\_\_ C (B-3 Work Days)

TENTATIVE DECISION DATE \_\_\_\_\_ B (A + 30 Days)

\*Usually within 15 days of filing

-----  
CERTIFICATE OF POSTING

District \_\_\_\_\_

Location of property: \_\_\_\_\_  
\_\_\_\_\_

Posted by: \_\_\_\_\_ Date of Posting: \_\_\_\_\_

Signature

Number of Signs \_\_\_\_\_

A-124-AP

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

M&H. DR. INC.

VINCENT J. MOSKUNAS

Curtis and Betty Johnson

200 E Joppa. Rd.

~~5803 Hamlet Ave 21237~~

12810 Pulney Valley  
Glen Ar m  
21057





11-18

THIS DEED, made this 20<sup>th</sup> day of July, in the year one thousand nine hundred and eighty-eight, by and between Curtis M. Johnson and Betty G. Johnson, his wife, of the first part, Grantors, and Curtis Michael Johnson, Chris Monroe Johnson and Charles Myron Johnson, remainderpersons of the second part, Grantees.

WITNESSETH, That for and in consideration of the sum of ZERO DOLLARS (\$0.00), which sum is the actual consideration this day paid, the said Curtis M. Johnson and Betty G. Johnson, his wife, do hereby grant and convey unto Curtis Michael Johnson, Chris Monroe Johnson and Charles Myron Johnson, remainderpersons, as tenants in common, their respective heirs, personal representatives and assigns, in fee simple, subject, however, to an estate reserved unto the said parties of the first part, for and during the term of their natural lives, and the natural life of the survivor, with the powers hereinafter set forth, all that lot or parcel of ground, situate, lying and being in Baltimore County, State of Maryland, and being more particularly described as follows, that is to say:

DEED B RC F 21.00  
SM CLERK 21.00  
#71085 C004 ROI 115.4  
11/28/8

326.7'

Beginning for the first in the road leading from the Belair Road to the Red House on Philadelphia Road at the distance of 100-42/100 feet on the fourth or north 5 1/2 degrees east 19-8/10 perches line of that parcel of land which by deed dated March 3, 1919, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 508, folio 416, etc. was conveyed by George Ehrmann to Howard R. Price and Marie T. M. Price, his wife, running thence binding on said line and in said road (now known as Hamilton Avenue) north 10 degrees 29 minutes east 80 - 33/100 feet to the southernmost side of a road forty feet wide running thence binding thereon with the use in common with thers entitled thereto north 84 degrees 47 minutes west 166 - 9/100 feet running thence for lines of division the two following courses and distances viz South 5 degrees 13 minutes west 80 feet and south 84 degrees 47 minutes east 158 - 72/100 feet to the place of beginning.

Beginning for the second at a pipe set on the south side of a road 40 feet wide called Price Road said pipe being at the northwesternmost corner of Lot No. 4 as shown on a plat made by William Whitney, County Surveyor, for Baltimore County, April 21, 1942, said pipe being at the end of 40 feet and south 5 degrees 13 minutes west from a pipe at the southwesternmost corner of Lot No. 3 as shown on that plat which was conveyed by Howard R. Price and wife to Charles W. Wilkinson and wife by deed dated June 9, 1942 recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1233, folio 304, etc., running thence binding along Lots 4, 5 and 6 as shown on the Whitney Plat above mentioned south 5 degrees 13 minutes west

RECEIVED FOR TRANSFER  
State Department of  
Assessments & Taxation  
for Baltimore County

AN 11-24-88

THIS DEED WAS FILED  
Date 11-24-88  
BALTIMORE COUNTY MARYLAND  
Per Cashier  
Authorized Signature  
Date 11-24-88 Sec. 11-85 H

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE

SIGNATURE AN DATE 11-24-88

Whitney Plat

DB # 8200

180 feet to a pipe and to intersect the south 89 - 1/2 degrees east 52 1 1/2 perches line in a deed from George Ehrmann to Howard R. Price and wife dated March 3, 1919, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 508, folio 416, etc. thence binding on that line reversely north 84 degrees 47 minutes west 70 feet to a pipe; thence by a line of division and running by a line parallel to the first line of this description north 5 degrees 13 minutes east 180 feet to the south side of the above mentioned Price Road, thence running along the south side of that road south 84 degrees 47 minutes east 70 feet to the place of beginning, contained 289 thousandths of an acre (0.289) of land more or less.

BEGINNING for the third in the road leading from the Belair Road to the Red House on the Philadelphia Road at the distance of 50.21 feet on the fourth or north 5 - 1/2 degrees east 19 - 8/10 perches line of that parcel of land which by deed dated March 3, 1919, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 508, folio 416, etc. was conveyed by George Ehrmann to Howard R. Price and Marie T. Price, his wife, running thence binding on said line and in said road (now known as Hamilton Avenue) north 10 degrees 29 minutes east 50.21 feet, running thence for lines of division the three following courses and distances; north 84 degrees 47 minutes west 158.72 feet, south 5 degrees 13 minutes west 50 feet, south 84 degrees 47 minutes east 154.11 feet to place of beginning. The improvements thereon being known as No. 5801 Hamilton Avenue.

BEING the same lots of ground which by Deed dated January 29, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. 4419, folio 031 was granted and conveyed by Rowill Title Holding Corporation unto the within named Grantors.

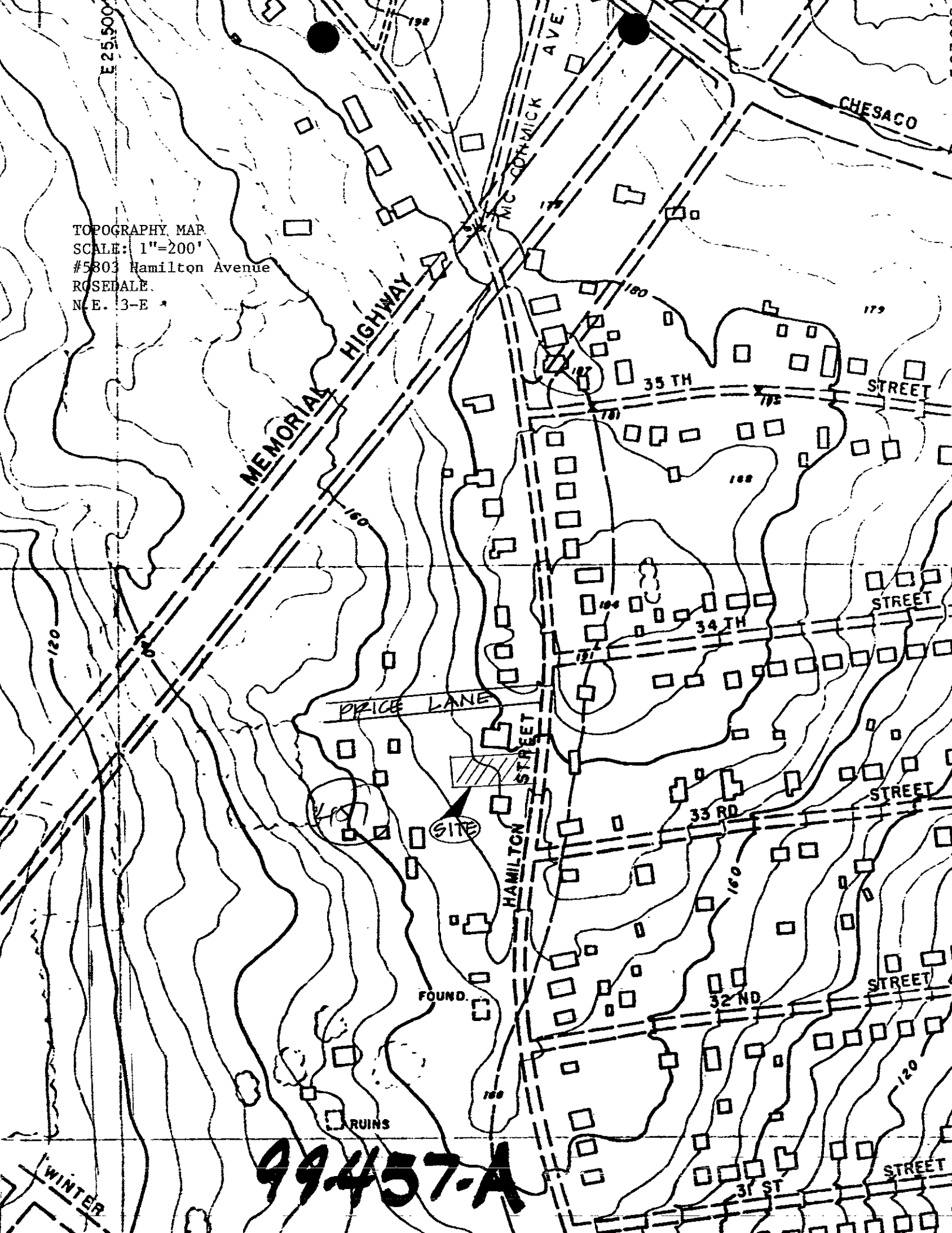
TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or anyway appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said Curtis Michael Johnson, Chris Monroe Johnson and Charles Myron Johnson, remainderpersons, as tenants in common, their respective heirs, personal representatives and assigns, in fee simple, subject, however, to a life estate reserved unto the said Curtis M. Johnson and Betty G. Johnson, his wife, for and during their joint lives and with full power to them during their natural lives, and the

SAME LOTS - 1964 4403-61 } BEING THE  
 " " 1963 4195-295 }  
 " " 1949 1745-20

SEE PLAN FOR VACANT LOT.

TOPOGRAPHY MAP  
SCALE: 1"=200'  
#5803 Hamilton Avenue  
ROSEDALE.  
N.E. 3-E



99457-A

D.R. 16

ZONING MAP

#5803 Hamilton Avenue

Baltimore Co., MD

200' Scale

D.R. 5.5

457

SITE

HAMILTON

AVE.

CHESACO

D.F.

35 TH

STREET

34 TH

STREET

33 RD

STREET

32 ND

STREET

D.R. 5.5

99-457-A

HAMILTON

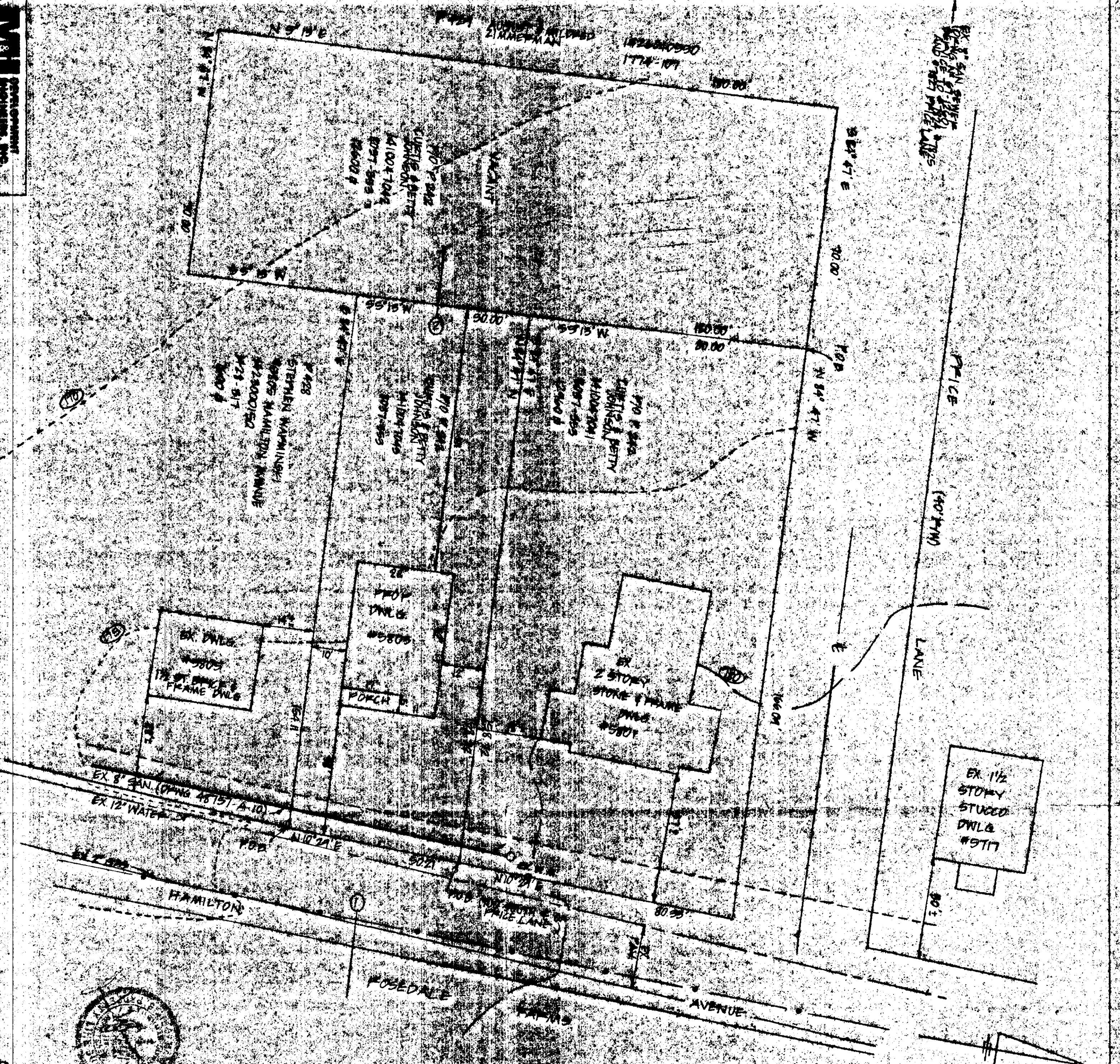
CIRCLE

WINTER

STREET



**MMI**  
**ENGINEERING, INC.**  
 1111 11th Street  
 Baltimore, MD 21202  
 (410) 556-8390



OWNER: **JOHN A. JOHNSON**  
 1410 8th Street  
 Baltimore, MD 21202  
 (410) 556-8390  
 FOR MAP OF LOT 10, BLOCK 242  
 RECD SEP 10 1985

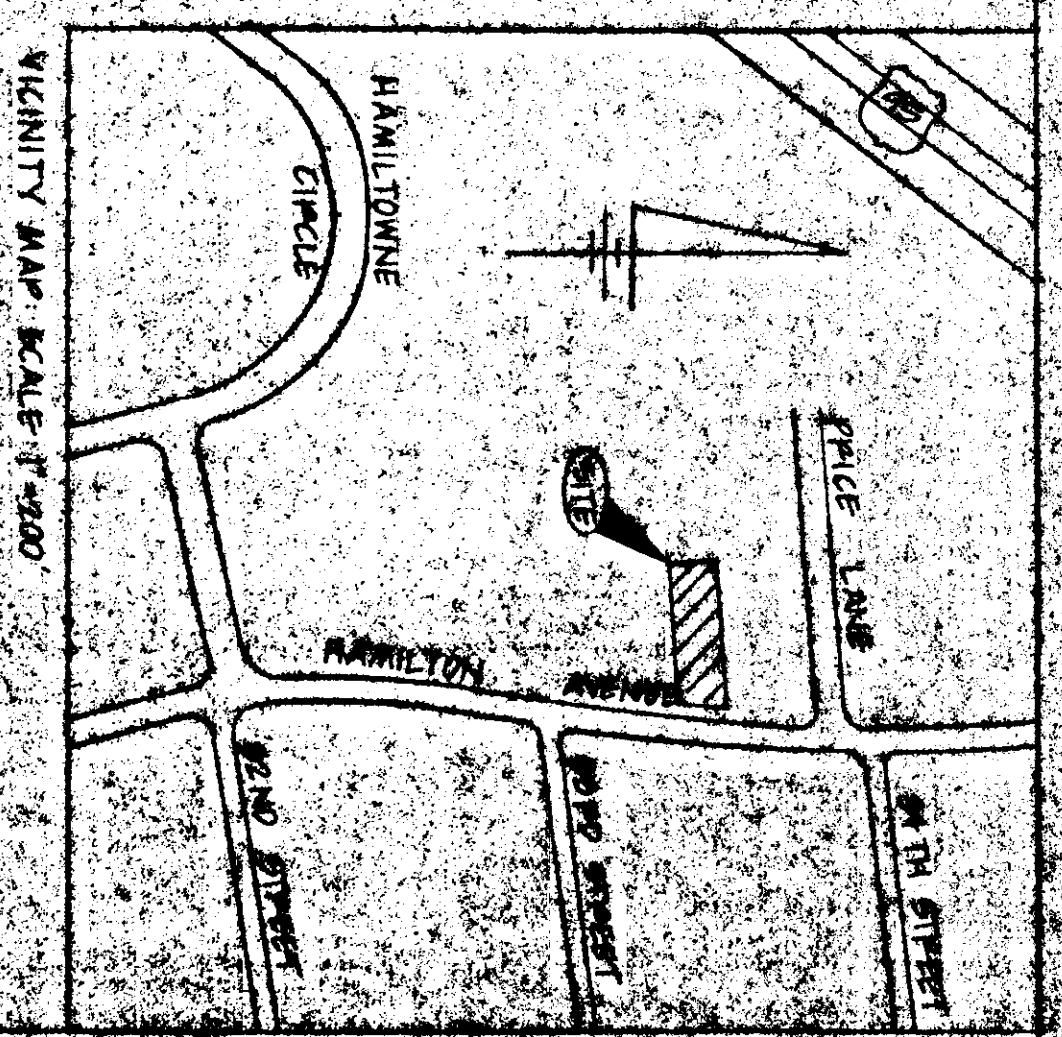
**99.457-A**



PLAT TO ACCOMPANY PETITION FOR REZONING  
 AND AN UNDERGIRDING LOT APPLICATION  
 3505 HAMILTON AVENUE  
 PART OF PARCEL 242  
 SECTION 10, TOWNSHIP 44  
 BALTIMORE CO, MD  
 SCALE: 1" = 40'  
 APRIL 24, 1985

*Handwritten signature/initials*

**GENERAL NOTES**  
 1. EXISTING ZONE: D-1  
 2. 200' SCALE MAP: N.E. 1/4  
 3. PUBLIC WATER AND SEWER  
 4. NOT LOCATED IN THE CHARGEABLE OR CRITICAL AREA  
 5. 200' SCALE MAP: 1/4 SECTION 10, TOWNSHIP 44  
 6. 200' SCALE MAP: 1/4 SECTION 10, TOWNSHIP 44  
 7. 200' SCALE MAP: 1/4 SECTION 10, TOWNSHIP 44  
 8. 200' SCALE MAP: 1/4 SECTION 10, TOWNSHIP 44  
 9. 200' SCALE MAP: 1/4 SECTION 10, TOWNSHIP 44  
 10. 200' SCALE MAP: 1/4 SECTION 10, TOWNSHIP 44

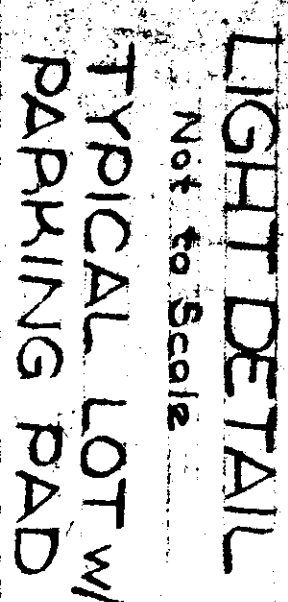


ZONING OFFICE USE ONLY	41-8280
REVIEWED ITEM NO.	CASE NO.



1. Lots shown, person will operate on private well & septic systems.  
2. For Pannhandle Lots, refuse collection, snow removal & roadway maintenance be provided to the junction of the pannhandle & street A/WLine only & not onto the pannhandle, for driveway.  
3. Lots shown how to be a For Single Family Residential Use only and will be FOR SALE and further subdivision of the parcels shown, person will be allowed unless approved by the Datto Co. Planning & Zoning Commission.  
4. Building permit shall be issued for the construction of a dwelling on a Pannhandle lot and find out until a well approved by applicable State & local agencies having jurisdiction has been located on site of any lot.  
5. Available applicable utilities shall be installed in accordance with the current regulations as mandated on the Public Service Commission of Maryland, including underground service.  
6. 7.1 and when water & sewage facilities become available to this subdivision, connection thereto shall be required by the agency having jurisdiction.  
7. All the pannhandle driveways must be constructed to the rear lot prior to the sale of lots.  
8. Refuse is to be picked up twice weekly by Datto County.  
9. There is a 10' Driveway & Utility Easement around the entire perimeter of the property.

1. Lots shown, person will operate on private well & septic systems.  
2. For Pannhandle Lots, refuse collection, snow removal & roadway maintenance be provided to the junction of the pannhandle & street A/WLine only & not onto the parrhandle, for driveway.  
3. Lots shown how to be a For Single Family Residential Use only and will be FOR SALE and further subdivision of the parcels shown, person will be allowed unless approved by the Datto Co. Planning & Zoning Commission.  
4. All building permit shall be issued for the construction of a dwelling on a Pannhandle and signed prior until a well approved by applicable State & local agencies having jurisdiction has been located on site of any lot.  
5. A water applicable utility is shall be installed in accordance with the current regulations as is mandated on the Public Service Commission of Maryland, including underground service.  
6. 7.1 and when water & sewage facilities become available to this subdivision, connection thereto shall be required by the agency having jurisdiction.  
7. All the parrhandle driveways must be constructed to the rear lot prior to the sale of lots.  
8. Refuse is to be picked up twice weekly by Datto County.  
9. There is a 10' Drainage & Utility Easement around the entire perimeter of the property.



# Note: Base eave Protection Area

A.D.T. Count per Balto. Co: 21 1/2, 4, 260 A.D.T.

Landscaping is to be performed by Individual lot Owners.

Grading is to be confined to 20' outside the perimeter of the house.

SECTION ONE      WHOLE PARCEL

1 Existing Zoning	RC-5	RC-5/BC4
2 Gross Area of Property	6451 Ac.	7702 Ac.
3 Roadway Dedication (feet)	351 Ac.	4932 Ac.
Laurelton Court	2.15 Ac.	
Hillcrest Road	0.82 Ac.	
Hillcrest Road Extended	0.56 Ac.	
4 Net Area of Property	61.00 Ac.	72.69 Ac.
5 No. of Units Allowed	29 Lots	27 RC, 57 BC, 4 B
6 Proposed	21 Lots	21 RC, 51 BC, 4 B
7 No. of Parking Spaces Req'd	21 to 42	23, 51, 46 Spaces
8 Provided	42 Spaces	46 Spaces
9 Ave Lot Size	2.90 Ac.	3.79 Ac.
10 Existing Use	Vacant	Vacant

per Balto. County Comments

REVISIONS		REV
Date	Description	
6-11-76	As app. Bldg. Supply Contracts	6-11-76
6-23-76	" "	6-23-76
6-24-76	" "	6-24-76

# SECTION ONE

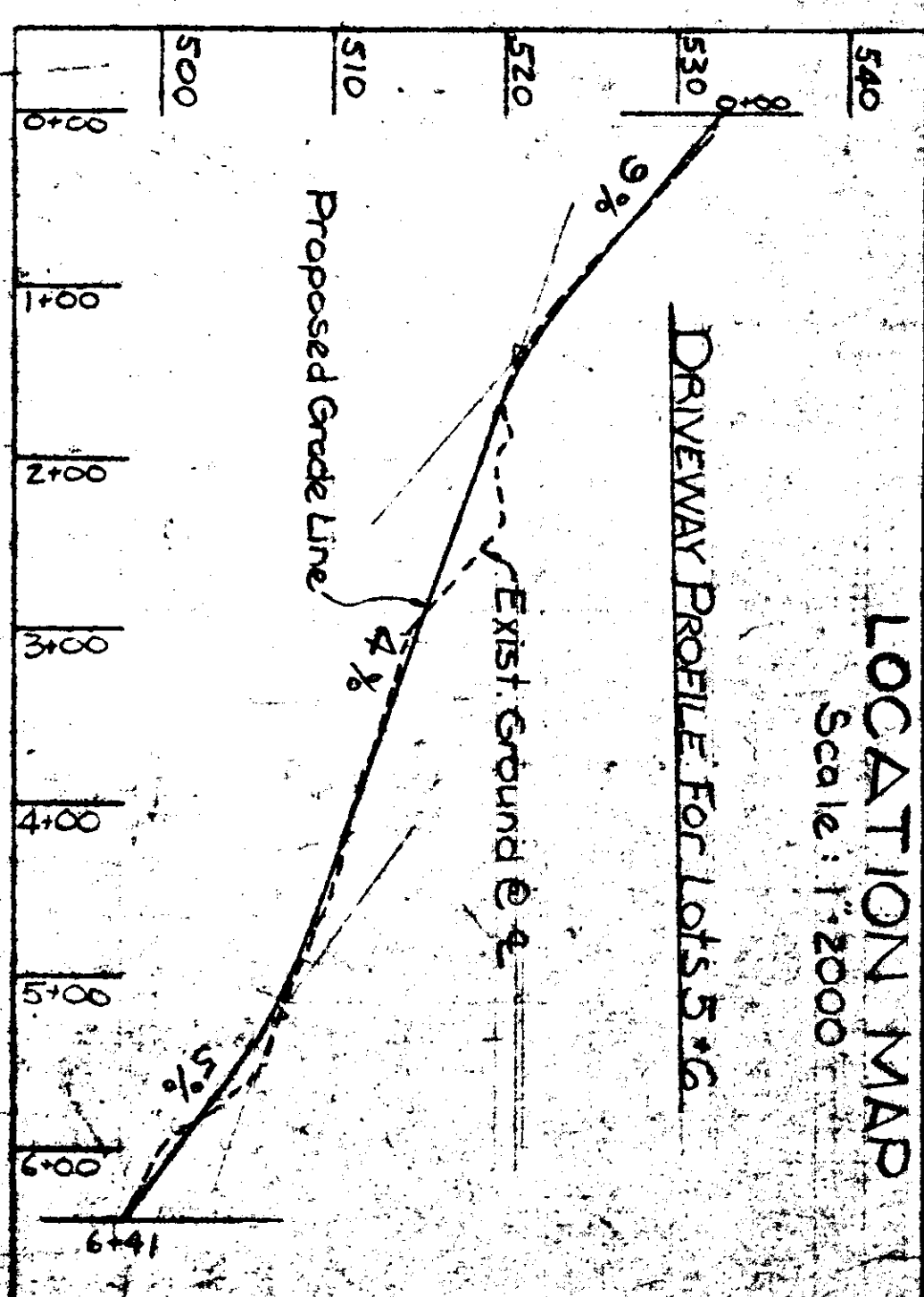
## 7th. Election District

Scale: 1" = 100'

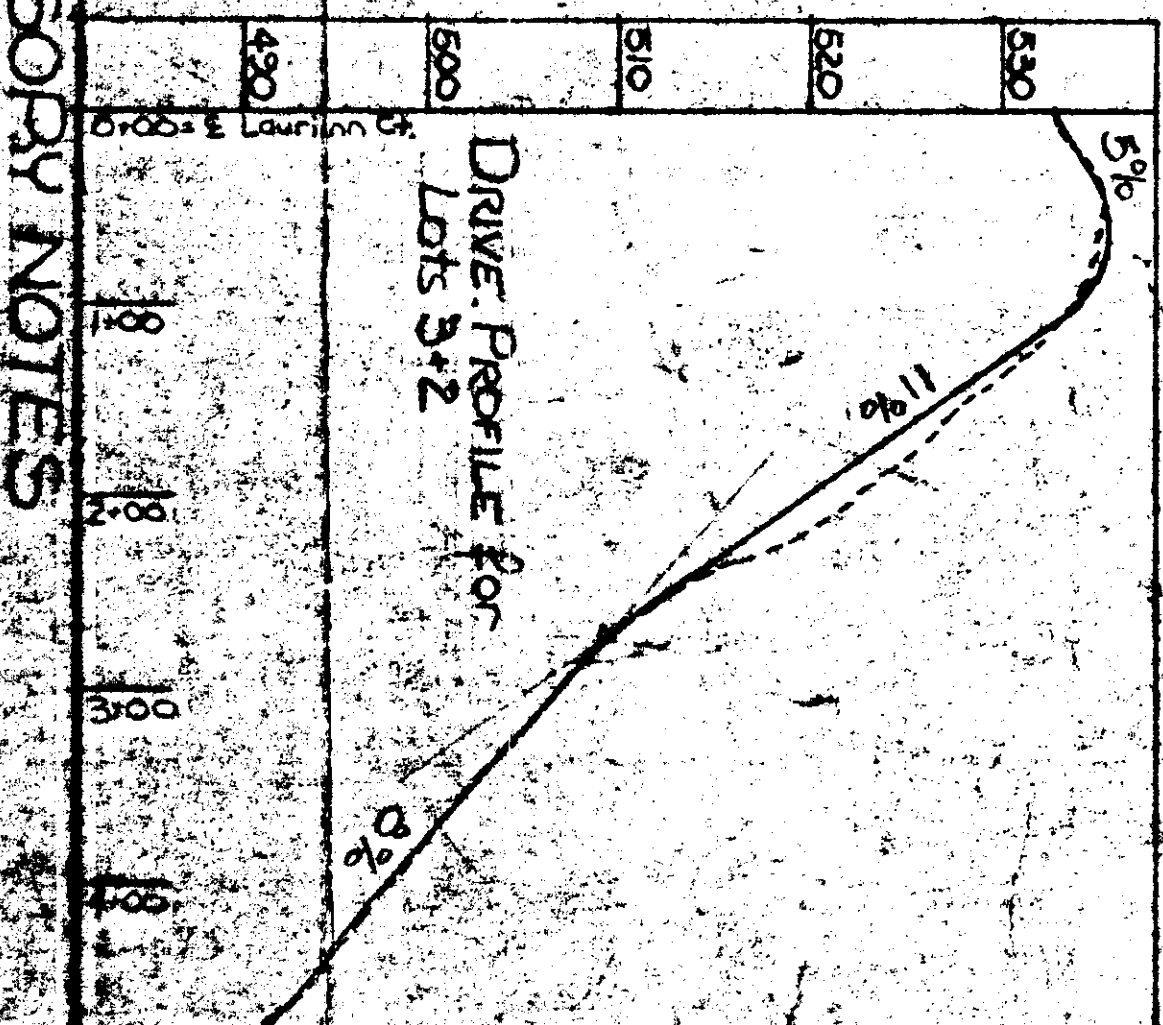
Baltimore Co., Md.

June.

Scale: 1"=2000'



DRIVE PROFILE FOR

[illegible]

P17 York Rd. - Can Lea Bldg. - Lutherville, Md. 21093

Job No	Scale 1:100	Drawn by	DMJ	Sheet No
7-15	Date:	Des. by	CHK	1 of 1

James W. McKee

Date: 6/11/78

DAVID LAWSON \* JOSEPH M. O'NEILL

BOX 95 MT. CARMEL, PA  
HERFORD, MD. 21120

99.457-A